HIGH COURT OF UTTARANCHAL AT NAINTIAL

Writ Petition No. 899 (M/S) of 2004

With

Impleadment Application No.10217/06

Hem Chandra S/o Sri Bhawani Ram Arya R/o Oak Park
Mallital, Nainital. .....Petitioner.

Vs.

1. Sri Manju Rautela/ W/o Sri Diwan Singh Rautela,
   R/o Awagarh Coupound, Malliteal, Nainital.
2. Civil Judge (S.D.) Nainital.
3. Sri Rasham Singh Sri Balwant Singh
   Sindhia R/o Navodaya Sitarganj,
   District-Udham Singh Nagar. .....Respondents.

Sri Gopal Narain learned counsel for the petitioner.
Sri R.C. Arya learned counsel for the respondent No.2.

Dated:- 11-9-2006

Hon'ble B.S. Verma, J.

Heard Sri Gopal Narain learned counsel for the petitioner and Sri R.C. Arya learned Standing counsel for the respondent No.2.

Learned counsel for the petitioner Sri Gopal Narain wants to implead of Sri Rasham Sigh R/o Balwant Singh Sindhia R/o Navodaya, Sitarganj, District Udhma Singh Nagar as respondent No.3 in the writ petition.

The application is allowed. Let the necessary impleadment be incorporated in the memo of petition as prayed by the petitioner during the course of the day.

The petitioner has filed the present writ petition for quashing the order dated 13-09-2004 passed by the Civil Judge (S.D.), Nainital

(Annexure-5 to the writ petition) whereby the vehicle No. UP 02 C7899 was seized by Incharge Inspector, Thana-Mallital, Nainital.

Learned counsel for the petitioner has stated that an interim order was passed by this Court on 18-12-2004, which reads as follws:-

"If the impugned order is not already acted upon, operation of the same shall remain stayed till the next date of listing."

Learned counsel for the petitioner has further submitted that before service of the interim order, the vehicle has already been handed over to the respondent No.1, the owner of the vehicle.

During the course of the argument, learned counsel for the petitioner has submitted that the suit No.134 of 2003 Smt. Manju Rautela Vs. Hem Chandra is pending before the learned Civil Judge (S.D), Nainital.

Therefore, learned Civil Judge (S.D.) is directed to decide the aforesaid suit preferably within a period of nine months from the production of the certified copy of the order.

The writ petition is disposed of accordingly. However, liberty is given to the learned counsel for the petitioner may move an impleadment/amendment application to array the respondent no.3 Sri Rasham Singh as defendant before the trial court.

Dated: - 11-09-2006 **(B.S. Verma, J.)**
M.K.